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Crime prevention and criminal justice

Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 65/230 and contains information on action taken to implement that resolution. In particular, the report provides a brief overview of follow-up to the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, and endorsed by the Assembly in its resolution 65/230. The report also contains information on the views and proposals of Member States for ways and means of improving the efficiency of the process involved in the United Nations congresses on crime prevention and criminal justice.

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1. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Salvador, Brazil, from 12 to 19 April 2010. The main theme of the Congress, which was attended by more than 2,000 participants, was "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world".

2. In its resolution 65/230, entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice", the General Assembly endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and endorsed by the Commission on Crime Prevention and Criminal Justice at its nineteenth session and subsequently by the Economic and Social Council in its resolution 2010/18.

3. Pursuant to General Assembly resolution 65/230, the Secretariat has distributed the report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.213/18) including the Salvador Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that its recommendations are disseminated as widely as possible.

4. In its resolution 65/230, the General Assembly invited Member States to take into consideration the Salvador Declaration and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States. The Assembly also invited Member States to identify areas covered in the Salvador Declaration where further tools and training manuals based on international standards and best practices were needed, and to submit that information to the Commission on Crime Prevention and Criminal Justice in order to facilitate the Commission's consideration of areas of possible future activity of the United Nations Office on Drugs and Crime (UNODC). At the twentieth session of the Commission on Crime Prevention and Criminal Justice, held in Vienna from 11 to 15 April 2011, Member States informed the Commission about concrete action taken by their authorities to implement the Salvador Declaration and the principles contained therein and made proposals for identifying areas for future activity by UNODC in line with the directions delineated by the Declaration (see E/CN.15/2011/15).

5. In the same resolution, the Assembly requested the Secretary-General to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Salvador Declaration for consideration and action by the Commission on Crime Prevention and Criminal Justice at its twentieth session. Member States provided relevant information to the Commission at its twentieth session (see E/CN.15/2011/15).

6. Moreover, in its resolution 65/230, the Assembly requested the Commission on Crime Prevention and Criminal Justice to consider at its twentieth session options to improve the efficiency of the process involved in the United Nations congresses on crime prevention and criminal justice, taking into account the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United

Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006 (see E/CN.15/2007/6, chap. IV).

7. The issue of the efficiency of the crime congresses process was discussed at the twentieth session of the Commission, under its agenda item on follow-up to the Twelfth Congress. In exploring ways and means of improving such efficiency, many speakers made reference to the recommendations made by the Intergovernmental Group of Experts at its meeting in Bangkok. Many speakers also welcomed the inclusion of a standing item on the agenda of the annual sessions of the Commission on the follow-up to the outcome and recommendations of past United Nations congresses on crime prevention and criminal justice. In relation to the preparation of the crime congresses, speakers highlighted the need for advance planning and close coordination with all parties involved and for the timely preparation of a streamlined agenda. Some speakers noted that a multi-year programme of work for the preparation of the congresses would enable the Commission to begin consultations on a draft declaration at the Commission's session prior to the crime congress. Another recommendation was to restructure the high-level segment of the congress, holding it at the beginning of the congress and reducing its duration. Some speakers highlighted the need to harmonize the topics of the workshops with the agenda items for the substantive deliberations of the crime congress. Discussion was also devoted to the declaration as the outcome of the congress, and it was suggested that the final declaration should be focused on the items on the agenda and the discussions at the crime congress, which could lead to a robust political statement. It was also suggested, in that regard, that the text of the declaration should be formulated and negotiated only on the basis of the results, conclusions and recommendations emerging from the deliberations during the crime congress. Some speakers suggested that the Commission consider the duration of the congresses and the holding of regional preparatory meetings.

8. As a result of the deliberations at its twentieth session, the Commission on Crime Prevention and Criminal Justice recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (E/2011/30, chap. I, sect. A, draft resolution I). In that resolution, the General Assembly would, inter alia, invite Member States to provide their suggestions in relation to the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and request the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the suggestions made by Member States. The Assembly would also recommend, in order to strengthen the outcome of future crime congresses, that the number of their agenda items and workshops be limited, and encourage the holding of side events that are focused on and complement the agenda items and workshops. The Assembly would further request the Commission on Crime Prevention and Criminal Justice to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

9. With respect to issues pertaining to the operationalization of the Salvador Declaration, the General Assembly, in its resolution 65/230, requested the

Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime. The open-ended intergovernmental expert group held a meeting in Vienna from 17 to 21 January 2011, at which it discussed substantive and methodological aspects of the study. The report of the open-ended intergovernmental expert group (E/CN.15/2011/19) was brought to the attention of the Commission, in accordance with paragraph 11 of Assembly resolution 65/230.

10. In the same resolution, the General Assembly requested the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 49 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened between the twentieth and twenty-first sessions of the Commission, to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they would reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps. The Secretariat will take all appropriate action to implement that mandate and report accordingly thereon to the Commission at its twenty-first session, to be held in 2012.

11. In paragraph 8 of resolution 65/230, the Assembly welcomed the prompt consideration and action by the Commission on a number of issues addressed in the Salvador Declaration, including those addressed by the Commission at its nineteenth session, such as violence against migrants, migrant workers and their families, emerging forms of crime that had a significant impact on the environment and international cooperation in criminal matters. Taking into account the issues raised in the Salvador Declaration for the consideration of the Commission, the Economic and Social Council, in its decision 2010/243, on the recommendation of the Commission, decided on a multi-year programme of work for the Commission to address those issues as prominent themes at future sessions.

12. In paragraph 25 of the Salvador Declaration, States parties to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption were urged, bearing in mind the need to reinforce criminal justice systems of developing countries and countries with economies in transition, to fully implement the technical assistance provisions of the two Conventions, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated under each Convention to fund technical assistance through UNODC. In paragraph 7 of resolution 65/230, the General Assembly welcomed the decision of the Government of Brazil to contribute a percentage of the value of confiscated assets to UNODC, pursuant to article 30 of the United Nations Convention against Transnational Organized Crime and article 62 of the United Nations Convention against Corruption, as well as *paragraph 9 of Assembly resolution 55/25 and paragraph 4* of Assembly resolution 58/4, and looked forward to the expeditious implementation of that

decision. In subsequent communication with the secretariat, the Government of Brazil highlighted that, for the purposes of such implementation, the Ministry of Justice had drafted a presidential decree, which had been sent to the Ministry of Finance and the Ministry of Planning, Budget and Management for further analysis. At the time of preparation of the present report, consultations among those ministries were ongoing with a view to reaching consensus on the final text of the presidential decree.

13. In its resolution 65/230, the Assembly welcomed with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.